

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHOMARI E. NORMAN,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/4/2020
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20-CV-5560 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On August 31, 2020, Plaintiff filed an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). “[W]hen a plaintiff properly amends [a] complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.” *Pettaway v. Nat’l Recovery Sols., LLC*, 955 F.3d 299, 303–04 (2d Cir. 2020). On September 3, 2020, Defendants filed a letter notifying me that they would like me to evaluate their motion to dismiss in light of the facts alleged in the amended complaint, and will not be filing a renewed motion to dismiss. It is well established that a “court may, and generally will, deem a claim abandoned when a plaintiff fails to respond to a defendant’s arguments that the claim should be dismissed.” *Tribble v. City of New York*, No. 10 CIV. 8697 JMF, 2013 WL 69229, at *3 (S.D.N.Y. Jan. 3, 2013) (internal quotation marks omitted); *see also Robinson v. Fischer*, No. 09 Civ. 8882(LAK)(AJP), 2010 WL 5376204, at *10 (S.D.N.Y. Dec. 29, 2010) (collecting cases). Accordingly, it is hereby:

ORDERED that Plaintiff shall file any opposition to the motion to dismiss within thirty

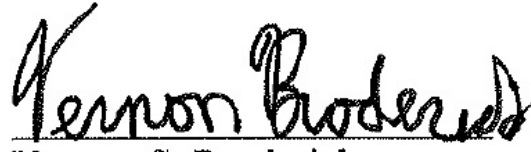
days of this Order. Plaintiff is warned that failure to oppose Defendants' motion could result in dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that Defendants shall file a reply within fourteen days of the filing of Plaintiff's opposition.

The Clerk of Court is directed to mail a copy of this Order and Documents 15 and 30 to the pro se Plaintiff.

SO ORDERED.

Dated: September 4, 2020
New York, New York


Vernon S. Broderick
United States District Judge